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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,297	06/23/2003	Shin Hui Chuang	TP3002	6387
47046	7590	04/14/2005	EXAMINER	
<b>SHIN HUI CHUANG</b> 235 CHUNG-HO BOX 8-24 TAIPEI HSIEN, 235 TAIWAN				HOESLY, RYAN C
		ART UNIT		PAPER NUMBER
		3727		

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/601,297	CHUANG, SHIN HUI
	Examiner Ryan C. Hoesly	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 January 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 6-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 1/10/2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Blanking (US 6179186) in view of Buscart (US 6658704) and Alves et al (US 6659320). Blanking teaches a backpack with the structural elements of a hard casing (50), a soft enclosure (30), shoulder straps (4), and handle (5), side buckles (24), a flexible cover (16) for the opening, a strip of fabric (17) with one end attached to the cover and the other end with a hole, a band (18) that winds around the edge of the cover, a retainer (20) for selectively receiving the band to secure the cover over the opening, and a plurality of raised connectors (40) along the sides of the backpack. Blanking discloses that the band may be enclosed along the entire circumference of the cover or for just a portion and may have a locking means at the first insertion portion to retain the band (column 4, line 53). Blanking also discloses a protrusion (15) for allowing the cover to be tightened over the entire hard casing. Because Blanking discloses side buckles, protruding connectors, a band that can extend over the entirety or just a portion of the cover circumference, and protrusions for retaining the front and sides of the cover, it would be within the scope and spirit of Blanking to pull the band down to the protruding connectors on the sides of the hard casing that are fully capable of serving as retainers

for the band. Blanking does not show what type of locking device is to be used on the band at the first insertion point or if interior pockets are used.

Buscart teaches a locking device for use with a band used as a drawstring for a backpack. The Buscart device has a locking portion (16) that mates with a back plate (24), where the band passes through the locking portion and the back plate and the locking portion is securable to an article.

Alves teaches an enclosure for CD or CD player, attachable to a carrier or carriers that utilizes an interior pocket (30) that is mounted to the inside of the side panel of the carrier along only one edge.

Buscart and Alves both teach elements common in backpack construction. Blanking discloses that retaining devices, such as those taught by Buscart can be used to retain the band and the cover. Blanking does not disclose interior features of the backpack, however, as shown by Alves, these are known in the art. It would have been obvious to one skilled in the art at the time of invention to modify the Blanking device by adding an interior pocket connected on one edge and a locking device for retaining the band and cover as in the technologies of Buscart and Alves.

With regards to claim 9, Blanking discloses that one of the connectors can be made of metal and the other can be made of a pliable material. Leather is a pliable material that is utilized in backpack construction and accenting. It is obvious that one of the connectors of the Blanking device is made of metal, while the other could be made of leather.

***Conclusion***

3. Applicant's arguments with respect to claims 6-9 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Camp (US D227044) shows a cover for a bag that is retained in the front and has insertion portions on the side of the bag for attaching the band to a retainer. Catenaccio (US 4094351) teaches a bag whose cover is retained by an elastic band with retainers in the front and on the side. Falletta et al (US 5012964) teaches a backpack with a cover that is retained by adjustable retainers on the front and sides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (571)-272-6083. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (571) 272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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